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U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN  
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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**1:10-cv-685**

**Robert Holmes Bell  
U.S. District Judge**

Aaron Konczal,

Plaintiff,

v.

Northstar Location Services, LLC,

Defendant.

Case No.:

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT COLLECTION  
PRACTICES ACT AND OTHER  
EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

**JURISDICTION AND VENUE**

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

**FACTS COMMON TO ALL COUNTS**

2. Plaintiff is a natural person who resided in Mason, Michigan at all times relevant to this action.
3. Defendant is a New York limited liability company that maintained its principal place of business in Cheektowaga, New York at all times relevant to this action.
4. Defendant is a “debt collector” as defined by 15 U.S.C. §1692a(6).
5. As described below, Defendant attempted to collect from Plaintiff a “debt” as defined by 15 U.S.C. §1692a(5).
6. Plaintiff is a “consumer” as defined by 15 U.S.C. §1692a(3).
7. On or around May 18, 2010, Defendant’s employee James Gardner (“Gardner”) telephoned Plaintiff’s mother (“Karen”) in connection with the collection of the debt.

8. During this communication, Gardner disclosed that Plaintiff owed a debt and asked Karen to help Plaintiff pay Defendant.
9. During this communication, Gardner falsely represented that Plaintiff had given Defendant permission to speak to Karen about the debt.
10. During this communication, Gardner falsely represented that Plaintiff could end up in jail if the debt was not paid.
11. On or around June 16, 2010, Defendant telephoned Karen again in connection with the collection of the debt.
12. Defendant caused Plaintiff emotional distress.
13. Defendant violated the FDCPA.

#### **COUNT ONE**

##### **Violation of the Fair Debt Collection Practices Act**

14. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
15. Defendant violated 15 U.S.C. §1692c by communicating with a third party in connection with the collection of the debt.

#### **COUNT TWO**

##### **Violation of the Fair Debt Collection Practices Act**

16. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
17. Defendant violated 15 U.S.C. §1692d by engaging in conduct the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with the collection of the debt.

#### **COUNT THREE**

##### **Violation of the Fair Debt Collection Practices Act**

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

19. Defendant violated 15 U.S.C. §1692e by using false, deceptive, or misleading representations in connection with the collection of the debt.

**JURY DEMAND**

20. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

21. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: \_\_\_\_\_

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